

REMARKS

Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-29 are presently pending. Claims 1, 8, 9, 17, 25, 26, 28, and 29 are amended. Claims 1, 16, and 17 are independent.

In view of the above amendments and the following remarks, the Examiner is respectfully requested to reconsider the outstanding claim rejections.

Allowable Subject Matter

Applicants appreciatively acknowledge the Examiner's indication that claims 17-23, 25, 26, 28, and 29 would be allowable if rewritten in independent form including the features of their base claim (claim 16) and any intervening claims.

Claim 17 has been rewritten in independent form. Although written more broadly in amended claim 17, it is respectfully submitted that the features of claim 16 written into claim 17 are consistent with the interpretation given by the Examiner.

For instance, in page 4 of the Office Action, the Examiner states that "patentable weight" was not given to the claimed feature of "the device configured to be installed at a wing of an aircraft." Thus, this recitation was not included in claim 17. Furthermore, as discussed in more detail below with respect to the rejection of claim 16, Applicants respectfully submit that the Examiner did not give due consideration to the art-recognized meaning of "side-emitting LEDs." Thus, the corresponding features of claim 17 have been written as "first and second LEDs," in keeping with the Examiner's apparent interpretation of these features with respect to claim 16.

In view of the fact that claim 17 is now rewritten in independent form, including the limitations of claim 16 as considered by the Examiner, Applicants submit that claim 17 is now in condition for allowance. Also, Applicants submit that claims 18-23 are allowable by virtue of their dependency on claim 17.

Claim Objections

Claims 8 and 9 are objected to by the Examiner for reciting an improper Markush group. In particular, the Examiner asserts that the alternative expression in claim 8 presents uncertainty or ambiguity with respect to scope or clarity (see page 2 of the Office Action). Applicants do not agree with this assertion. However, in an effort to expedite prosecution, Applicants have amended claims 8 and 9 such that they no longer recite an alternative group. Thus, the Examiner is respectfully requested to withdraw this objection.

Rejections Under 35 U.S.C. 102

Pederson Rejection

Claims 1-15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,462,669 to Pederson (hereafter “Pederson”). This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

In the rejection, the Examiner states that “patentable weight” has not been given to the recitation “a forward position light device configured to be installed at a wing on an aircraft, the aircraft wing corresponding to a particular mounting platform” in claim 1 because such recitation occurs in the preamble (see page 2 of the Office Action).

Thus, Applicants have amended claim 1 so that the body of the claim recites that “the modular components are configured so that the device is operably compatible with multiple types of mounting platforms *for aircraft wings*” (emphasis added). Applicants respectfully submit that, because such feature is not limited to a recitation of intended use in the preamble, it must be given due consideration. Furthermore, Applicants respectfully submit that Pederson fails to disclose this feature. In particular, Pederson fails to disclose any type of mounting platform for an aircraft wing.

MPEP sets forth the following requirements for a proper rejection under § 102:

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. V. Union Oil Co. Of California*, 814 F2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the ... claims.” *Richardson v. Suzuki Motor Co.*, 868 F2d 1226, 1236, 9 USQP2d 1913, 1920 (Fed. Cir. 1989).

For the reasons set forth above, it is respectfully submitted that Pederson does not set forth each and every element as defined in independent claim 1. Thus, Applicants submit that this rejection has been obviated, and that claim 1 is now in condition for allowance. Furthermore, it is respectfully submitted that claims 4 and 15 are allowable at least by virtue of their dependency on claim 1. Thus, the Examiner is respectfully requested to reconsider and withdraw this rejection.

Fredericks Rejection

Claims 16, 24, and 27 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application No. 2005/0110649 to Fredericks et al. (hereafter “Fredericks”). This rejection is respectfully traversed.

Independent claim 16 recites two side-emitting LEDs. In the rejection, the Examiner relies on Fredericks’s LEDs 94 to disclose this feature (see page 4 of the Office Action). Applicants respectfully submit that these LEDs 94 in Fredericks are not side-emitting LEDs.

The term “side-emitting LED” has a specific meaning within the art. In particular, this term denotes an LED that directs light substantially 90 degrees off the optical axis in a 360 degree rotationally symmetrical pattern (i.e., substantially in one plane perpendicular to the optical axis). Lambertian LEDs, such as the ones disclosed in Fredericks, are different -- lambertian LEDs emit light in the direction of the optical axis (at a relatively wide angle).

In *Multiform Desiccants, Inc. v. Medzam, Ltd.*, 45 USPQ2d 1429, 1432 (Fed. Cir. 1998), the Federal Circuit held that:

“It is the person of ordinary skill in the art in the field of the invention through whose eyes the claims are construed. Such person is deemed to read the words used in the patent documents with an understanding of their meaning in the field, and to have knowledge of any special meaning and usage in the field.”

Accordingly, Applicants respectfully submit that the claimed term “side-emitting LED” should be examined according to the same meaning it would be given by those of ordinary skill in the art. When such meaning is applied, Applicants respectfully submit that Fredericks fails to disclose a side-emitting LED as required by independent claim 16.

Applicants submit that independent claim 16 is allowable at least for the reasons set forth above. Furthermore, it is respectfully submitted that claims 24 and 27 are allowable at least by virtue of their dependency on claim 16. Therefore, reconsideration and withdrawal of this rejection is respectfully requested.

Rejections Under 35 U.S.C. § 103

Pederson

Claims 2 and 3 stand rejected under 35 U.S.C. § 103(a) as being obvious over Pederson. Specifically, the Examiner asserts that it would have been obvious to one of ordinary skill in the art to implement an aviation red or aviation green LED in the device of Pederson.

Applicants respectfully submit that the Examiner’s proposed modification fails to remedy the deficiencies of Pederson set forth above in connection with independent claim 1. Specifically, the modification does not address compatibility with a mounting platform for an aircraft wing.

Accordingly, Applicants respectfully submit that claims 2 and 3 are allowable at least by virtue of their dependency on claim 1. Thus, reconsideration and withdrawal of this rejection is respectfully requested.

Pederson/Bushell

Claims 5-14 stand rejected under § 103 as being unpatentable over Pederson and EP Publication No. 1168902 to Bushell et al. (hereafter “Bushell”). Applicants respectfully submit that Bushell fails to remedy the deficiencies of Pederson set forth above with respect to

independent claim 1. Specifically, Bushell fails to disclose a mounting platform for an aircraft wing. Accordingly, it is respectfully submitted that claims 5-14 are allowable at least by virtue of their dependency on claim 1. Therefore, the Examiner is respectfully requested to reconsider and withdraw this rejection.

Statement of Reasons for Indication of Allowable Subject Matter

In pages 8-9 of the Office Action, the Examiner offers a generic reason why claims 17-23, 25, 26, 28, and 29 contain allowable subject matter. Although Applicants agree that the subject matter of these claims are not taught or suggested by the cited art, Applicants respectfully submit that it is each claim as a whole that is not taught or suggested by the cited art. Furthermore, the claims should only be interpreted according to the actual language contained therein.

For example, the Examiner asserts that the claims are allowable because the art of record “does not teach in combination, a cutoff shield module, an overlap shield component, an auxiliary overlap shield component.” However, this combination of elements is not recited in all of the claims indicated by the Examiner as being allowable. For instance, the Examiner indicated that claim 17 is allowable, even though claim 17 does not recite the overlap shield component or the auxiliary overlap shield component.

Thus, Applicants respectfully emphasize that each claim should be considered separately as a whole, using only the actual claim language contained therein, as containing allowable subject matter.

Conclusion

Since the remaining patents cited by the Examiner have not been utilized to reject the claims, but to merely show the state of the art, no comment need be made with respect thereto.

In view of the above amendments and remarks, Applicants believe the pending application is in condition for allowance.

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Respectfully submitted,

JK

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